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5 Attorneys for Plaintiff
6 NETFLIX, INC.

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,
11

12 Plaintiff,

13 v.

14 BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

15 Defendant.

Case No. C 06 2361 WHA (JCS)

**DECLARATION OF EUGENE M. PAIGE
IN SUPPORT OF NETFLIX'S MOTION
TO COMPEL THE PRODUCTION OF
DOCUMENTS FROM BLOCKBUSTER,
INC.**

Date: April 6, 2007

Time: 9:30 a.m.

Judge: Hon. Joseph C. Spero

Complaint filed: April 4, 2006

1 I, EUGENE M. PAIGE, declare and state as follows:

2 1. I am an attorney duly licensed to practice in the State of California and before this
3 Court, and am associated with Keker & Van Nest, LLP, counsel to Plaintiff and Counterclaim-
4 Defendant Netflix, Inc. I have personal knowledge of the facts set forth below, and if called to
5 testify as a witness thereto could do so competently under oath.

6 2. Attached hereto as Exhibit A is a true and correct copy of Netflix's First Set of
7 Requests for the Production of Documents to Blockbuster, served August 31, 2006.

8 3. Attached hereto as Exhibit B is a true and correct copy of Blockbuster, Inc.'s
9 Response to Netflix's First Set of Requests for the Production of Documents to Blockbuster,
10 served October 2, 2006.

11 4. Attached hereto as Exhibit C is a true and correct copy of a letter from me to
12 William O'Brien, counsel for Blockbuster, dated December 6, 2006.

13 5. Attached hereto as Exhibit D is a true and correct copy of a letter from me to
14 William O'Brien, counsel for Blockbuster, dated December 20, 2006.

15 6. Attached hereto as Exhibit E is a true and correct copy of a letter from me to
16 William O'Brien, counsel for Blockbuster, dated January 2, 2007.

17 7. Attached hereto as Exhibit F is a true and correct copy of a letter from me to
18 William O'Brien, counsel for Blockbuster, dated January 18, 2007.

19 8. Attached hereto as Exhibit G is a true and correct copy of a letter from me to
20 William O'Brien, counsel for Blockbuster, dated February 6, 2007.

21 9. Attached hereto as Exhibit H is a true and correct copy of a letter from me to
22 William O'Brien, counsel for Blockbuster, dated February 13, 2007.

23 10. Attached hereto as Exhibit I is a true and correct copy of a letter from me to
24 William O'Brien, counsel for Blockbuster, dated February 16, 2007.

25 11. On February 21, 2007, Daralyn J. Durie and I, as counsel for Netflix, traveled to
26 Los Angeles to conduct an in-person meet-and-confer with William J. O'Brien, counsel for
27 Blockbuster.

28 12. Attached hereto as Exhibit J is a true and correct copy of a letter from William

O'Brien, counsel for Blockbuster, to me, dated February 23, 2007.

13. Attached hereto as Exhibit K is a true and correct copy of a letter from me to William O'Brien, counsel for Blockbuster, dated February 26, 2007.

14. Attached hereto as Exhibit L is a true and correct copy of a letter from William O'Brien, counsel for Blockbuster, to me, dated February 26, 2007.

15. Attached hereto as Exhibit M is a true and correct copy of a joint letter from William O'Brien and myself to the Honorable Joseph C. Spero, dated March 2, 2007.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this 2nd day of March 2007, at San Francisco, California.

/s/ Eugene M. Paige